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NARCOTIC DRUGS

Australia*, Austria, Bahamas, Bolivia*, Canada, Chile, Colombia*, Denmark*, Ecuador, Finland, France, Germany, Guatemala*, Indonesia, Italy, Jamaica, Malaysia, Mexico, Morocco, Netherlands, Nicaragua, Norway*, Peru, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America: draft resolution

Administrative arrangements to ensure the full technical independence of the International Narcotics Control Board

The Economic and Social Council,

Noting the establishment, pursuant to General Assembly resolution 45/179 of 21 December 1990 on the enhancement of the United Nations structure for drug abuse control, of the United Nations International Drug Control Programme, as the single drug control programme into which the structures and functions of the Division of Narcotic Drugs of the Secretariat, the secretariat of the International Narcotics Control Board and the United Nations Fund for Drug Abuse Control are to be fully integrated, with the objective of enhancing the effectiveness and efficiency of the United Nations structure for drug abuse control in keeping with the functions and mandates of the United Nations in this field,

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* In accordance with rule 72 of the rules of procedure of the Economic and Social Council.

Also noting that the General Assembly has invited the Secretary-General to structure the United Nations International Drug Control Programme along the following lines:

(a) Treaty implementation, which would integrate, with due consideration to treaty arrangements, the functions of the secretariat of the International Narcotics Control Board and the treaty implementation functions of the Division of Narcotic Drugs, taking into account the independent role of the Board;

(b) Policy implementation and research, with responsibility for implementing policy decisions of the relevant legislative bodies and conducting analytical work;

(c) Operational activities, with responsibility for coordinating and carrying out the technical cooperation projects currently being executed mainly by the United Nations Fund for Drug Abuse Control, the Division of Narcotic Drugs and the secretariat of the International Narcotics Control Board,

Noting the appointment by the Secretary-General of an Executive Director of the United Nations International Drug Control Programme, who assumed his functions on 1 March 1991 and who will execute the integration process and head the new integrated Programme, with the exclusive responsibility for coordinating and providing effective leadership for all United Nations drug control activities, in order to ensure coherence of actions within the Programme as well as coordination, complementarity and non-duplication of such activities across the United Nations system,

Recognizing with appreciation the steps undertaken so far in the integration of the structures and functions of the Division of Narcotic Drugs of the Secretariat, the secretariat of the International Narcotics Control Board and the United Nations Fund for Drug Abuse Control and in the organizational and managerial arrangements for the United Nations International Drug Control Programme,

Taking into account the provisions of article 9, paragraph 2, of the Single Convention on Narcotic Drugs of 1961, 1/ according to which the Economic and Social Council shall, in consultation with the International Narcotics Control Board, make all arrangements necessary to ensure the full technical independence of the Board in carrying out its functions,

Considering the importance of such independence in view of the functions of the International Narcotics Control Board,

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1/ United Nations, Treaty Series, vol. 520, No. 7515.

Recalling its resolution 1196 (XLII) of 16 May 1967, the administrative arrangements contained in the annex to that resolution, and its resolutions 1775 (LIV) of 18 May 1973 and 2017 (LXI) of 3 August 1976 by which those administrative arrangements were continued,

Convinced that revised administrative arrangements are necessary in the light of developments and that such arrangements will ensure the full technical independence of the International Narcotics Control Board to the full satisfaction of the international community,

Having considered the draft of the revised arrangements agreed upon by the Executive Director of the United Nations International Drug Control Programme and the International Narcotics Control Board,

1. Recognizes its obligations to ensure the full technical independence of the International Narcotics Control Board;

2. Approves the arrangements prepared on behalf of the Secretary-General by the Executive Director of the United Nations International Drug Control Programme in agreement with the International Narcotics Control Board and contained in the annex to the present resolution;

3. Requests the Executive Director to implement those arrangements, taking into account the character, powers and functions of the International Narcotics Control Board and the importance of its full technical independence in the performance of its tasks;

4. Requests the Executive Director to report to the Council through the Commission on Narcotic Drugs at its thirty-sixth session, in 1993, on the implementation of the present resolution.

Annex

ADMINISTRATIVE ARRANGEMENTS TO ENSURE THE FULL TECHNICAL INDEPENDENCE OF THE INTERNATIONAL NARCOTICS CONTROL BOARD (ARTICLE 9, PARAGRAPH 2, OF THE SINGLE CONVENTION ON NARCOTIC DRUGS OF 1961)

Secretariat services and other support

1. The International Narcotics Control Board ("the Board") shall be provided with secretariat services by the United Nations International Drug Control Programme ("UNDCP").

2. The Secretary of the Board shall be appointed or assigned by the Secretary-General in consultation with the Board. Taking into account, as appropriate, the specific functions, structure and expertise of the former separate secretariat of the Board, the Executive Director of UNDCP ("Executive Director") shall assign staff to assist and support the Board in the exercise of its powers and the performance of its functions, pursuant to, and in accordance with:

(a) The Single Convention on Narcotic Drugs of 1961, and that Convention, as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961 ("1961 Convention");

(b) The Convention on Psychotropic Substances, 1971;

(c) The United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,

(collectively referred to as "the Conventions").

3. In assisting and supporting the Board in the discharge of its functions, the Secretary of the Board and staff mentioned in paragraph 2 (whether in a Board secretariat or elsewhere in UNDCP) shall be under the direction of:

(a) The Board, in all substantive matters relating to the exercise of powers and the performance of functions of the Board pursuant to the Conventions;

(b) The Executive Director, to whom they are responsible, in other matters.

Budget

4. Adequate financial, staff and other resources shall be made available to the Board to enable it to discharge its functions effectively.

5. The regular budget estimates of the Board shall be prepared by the Secretary of the Board, in cooperation with the competent unit of UNDCP. The budget estimates shall be reviewed by the Board before they are transmitted to the Executive Director.

6. All expenses of the Board shall be identified separately in the section of the programme budget relating to international drug control, in particular travel of the members of the Board, remuneration (article 10, paragraph 6, 1961 Convention) and other allowances paid to them (e.g., per diem).

7. Pursuant to paragraph 12 of General Assembly resolution 45/179 of 21 December 1990, the appropriation within the regular budget of the United Nations currently allocated to the secretariat of the International Narcotics Control Board shall be reallocated to UNDCP in accordance with the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation.

Communications

8. In the exercise of its powers and the performance of its functions under the Conventions, the Board shall have the right to communicate directly with Governments and other entities pursuant to the relevant provisions of the Conventions. These communications shall not be subject to any control as regards substance, form or otherwise which is likely to hinder the Board in the exercise of its powers or the performance of its functions under the Conventions.

Storage and management of records

9. All documents and records of the Board shall be kept and maintained by UNDCP.

10. The Executive Director shall take such administrative measures as may be necessary to protect confidential material in documents and records of the Board in the possession of UNDCP from unauthorized disclosure by UNDCP or any member of its staff.

11. Confidential material in records and documents of the Board shall not be disclosed by UNDCP or any member of the staff of UNDCP to any person other than a member of the Board without the authorization of the Board.

Representation

12. The Board shall have the right to be represented as "INCB" at meetings of the Commission on Narcotic Drugs, as well as at meetings of the Economic and Social Council, United Nations organs and specialized agencies at which matters of importance to the Board in the exercise of its functions under the Conventions are to be considered.

13. The Board may also be represented as such at other meetings organized or held under the auspices of the United Nations, specialized agencies and other organizations at which matters of importance to the Board in the exercise of its functions under the Conventions are to be considered.

Dates of meetings

14. In making arrangements for the meetings of the Board, the Executive Director shall give due consideration to the fact that the timing of the Board's actions often depends on relevant treaty provisions.

15. Each of the two regular meetings of the Board shall be convened at approximately the same time each year.

Publicity

16. The Executive Director shall make the arrangements necessary for assuring to the Board the publicity desired for its work.

Duration

17. The arrangements outlined above shall be in force from 1 July 1991. If necessary, proposals for new or revised arrangements shall, in consultation with the Board and in accordance with article 9, paragraph 2, of the 1961 Convention, be submitted to the Council.

Action by the General Assembly

18. The Secretary-General will take such measures as may be required to request the General Assembly to implement the following provisions of the 1961 Convention:

(a) Article 6 (assessment of contributions, by the Parties to the 1961 Convention which are not members of the United Nations, to the expenses of the Board);

(b) Article 10, paragraph 6 (adequate remuneration of the members of the Board).